

2

**THIRD AMENDMENT AND RATIFICATION  
OF OIL AND GAS LEASE**

**STATE OF TEXAS           §**

**COUNTY OF TARRANT   §**

**WHEREAS, C. F. Pofahl and Surety Bank, N.A.,** as Lessors, did on the date of August 31, 2006, make and execute unto **Fort Worth Energy Co., LLC.,** as Lessee, a certain Oil and Gas Lease recorded as Document D206299577, Official Public Records of Tarrant County, Texas covering certain lands situated in Tarrant County, Texas, to wit:

27.04 acres of land, more or less out of the J. Ashberry Survey, abstract no. 10, E.P. Parris Survey, abstract no. 1222 J.F. Ellis Survey, abstract no. 400, Tarrant County, Texas, described in deed dated March 17, 2005, by and between Surety Bank, N.A. and PDLA Partners, L.P., a Texas Limited Partnership.

**WHEREAS,** the lease and all rights, and privileges thereunder are now owned and held by XTO Energy Inc., a Delaware corporation.

**AND WHEREAS,** C. F. Pofahl, joined by PDLA Partners, LP, Equity Trust Company Custodian FBO C. F. Pofahl Roth IRA, and Kimberly Pofahl, conveyed all of their interest in and such Lease to Fort Worth Pipeline Company, LLC, pursuant to a Special Warranty Deed dated August 24, 2007, recorded as Document D207302368, Official Public Records of Tarrant County, Texas;

**AND WHEREAS,** the Oil and Gas Lease has previously been Amended and Ratified by instruments dated:

1. April 23, 2008, recorded as Instrument D208153827, Official Public Records of Tarrant County, Texas ("First Ratification"); and
2. May 12, 2009, recorded as Instrument D209128697, Official Public Records of Tarrant County, Texas ("Second Ratification");

**AND WHEREAS,** Lessee has requested that Lessor further amend the primary term of the Lease, as set forth in Paragraph 2 of the Lease, and Lessor is willing to do so upon the terms and conditions set forth herein;

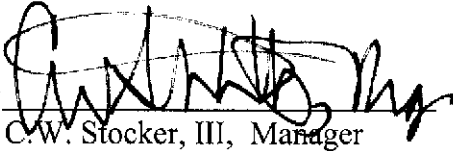
**NOW, THEREFORE,** for the consideration received by Lessor on executing the Lease, and the benefits to be derived therefrom and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

The Lessor hereby agrees that, for all purposes, the Primary Term of the Lease is extended and shall expire at 11:59 p.m. local time, on February 28, 2010.

**EXCEPT** as herein and as otherwise amended, the above described lease (as amended) is and shall remain in full force and effect as written in accordance with its terms and conditions, and the undersigned Lessor(s) recognize said lease as a valid and sustaining Oil and Gas Lease.

**IN WITNESS WHEREOF**, this instrument is executed by the undersigned Lessor on the respective date of acknowledgment below, but is effective as of the date of August 31, 2006.

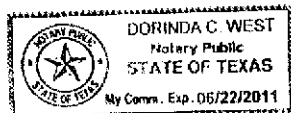
Fort Worth Pipeline Company, LLC.

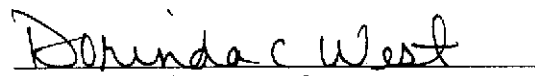
By:   
C.W. Stocker, III, Manager

ACKNOWLEDGMENT

THE STATE OF TEXAS  
COUNTY OF TARRANT

This instrument was acknowledged before me on the 6<sup>th</sup> day of August, 2009 by C.W. Stocker, III, Manager of Fort Worth Pipeline Company, LLC., on behalf of Fort Worth Pipeline Company, LLC., a Texas Limited Liability company.

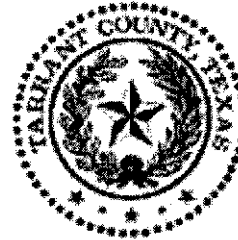


  
Notary Public, State of Texas

XTO ENERGY INC  
810 HOUSTON ST

FT WORTH TX 76102

Submitter: XTO ENERGY INC



SUZANNE HENDERSON  
TARRANT COUNTY CLERK  
TARRANT COUNTY COURTHOUSE  
100 WEST WEATHERFORD  
FORT WORTH, TX 76196-0401

**DO NOT DESTROY**  
**WARNING - THIS IS PART OF THE OFFICIAL RECORD.**

Filed For Registration: 08/06/2009 03:22 PM

Instrument #: D209210644

OPR 3 PGS

\$20.00

By: \_\_\_\_\_



**D209210644**

**ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE  
OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR  
RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.**

Printed by: CA